

### **REMARKS/ARGUMENTS**

Reconsideration is requested. Claims 1-18 are currently pending. Responsive to the Office Action of March 5, 2007, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

To expedite allowance, independent claims 1, 9, 13 and 15 have been amended to recite a particularly preferred embodiment of the present subject matter. In particular, these claims have been amended to recite that the cavity receives “a medical device with electrical contacts **partially** therein **such that the electrical contacts project from the cavity opening and minor cap member**” (emphasis added). See, for example, original claim 4, paragraph 0069 and FIG. 17 of the original disclosure. Accordingly, dependent claims 4 and 5 have been canceled and dependent claim 12 has been amended to provide correct antecedent basis.

It is respectfully submitted that the amendments above are supported by the specification, claims, abstract of the disclosure, and drawings as originally filed, and that no new matter has been added.

#### **Claim Rejection under 35 U.S.C. §112**

The subject matter of claim 5 was rejected under 35 U.S.C. §112, first paragraph, as not complying with the enablement requirement. Claim 5 has been canceled.

#### **Claim Rejections under 35 U.S.C. §102**

The subject matter of claims 1, 2, 4-9, 11-13 and 15-18 was rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,180,162 to Magney (hereinafter “Magney”).

Magney, as understood, describes a surgical blade dispenser-disposal cartridge (see, for example, col. 3, lines 12-18 of Magney). The cartridge of Magney completely encloses a surgical blade from the tip of the shank (element 22 of Magney) to the tip of the blade (element 25 of Magney). See, for example, col. 2, lines 46-52 and FIGs. 10A and 12A of Magney. The cartridge of Magney, therefore, receives the surgical blade fully therein.

Each of independent claims 1, 9, 13 and 15 recite a “main cap member with a cavity therein” where the cavity is configured to “receive” a “medical device with electrical contacts **partially** therein **such that the electrical contacts project from the cavity opening and**

**minor cap member”** (emphasis added). As noted in the present disclosure, a configuration wherein a medical device is only partially received such that the medical device’s electrical contacts project from the cavity beneficially simplifies engagement between the electrical contacts and a connector (see, for example, paragraph 0069 of the present disclosure).

Magney does not describe, teach or suggest a main cap member with a cavity configured to partially receive a medical device. Rather Magney describes the complete enclosure of a surgical blade by a cartridge. Moreover, Magney does not describe, teach or suggest that the cavity be configured such that electrical contacts of the medical device project from the cavity opening. Moreover, since Magney concerns itself with surgical blade cartridges, there appears to be no relevant discussion of medical devices with electrical contacts whatsoever.

For at least the foregoing reasons, Applicants respectfully submit that independent claims 1, 9, 13 and 15 are not anticipated or obvious over Magney. Since claims 2, 6-8, 11-12 and 16-18 depend from and further limit their respective independent claim 1, 9, 13 or 15 directly or indirectly, they are allowable for at least the same reasons (noting that dependent claims 4 and 5 have been canceled).

#### Claim Rejections under 35 U.S.C. §103

The subject matter of claim 3 was rejected under 35 U.S.C. §103(a) as obvious over Magney in view of U.S. Patent No. 4,903,390 to Vidal et al. (hereinafter “Vidal”).

Vidal appears to describe an apparatus for removing a surgical blade from a handle (see, for example, col. 4, lines 29-32 of Vidal). The apparatus has a housing that completely receives the blade (see, for example, FIG. 12 of Vidal). Vidal, therefore, does not cure the deficiencies of Magney noted above.

For at least the foregoing reasons, Applicants respectfully submit that the cited combination of Magney and Vidal does not make obvious the subject matter of dependent claim 3 and that claim 3 is, therefore, allowable.

The subject matter of claim 10 was rejected under 35 U.S.C. §103(a) as obvious over Magney in view of U.S. Patent Application Publication 2002/0143352 of Newman et al. (hereinafter "Newman").

Newman, as understood, describes a shielded surgical scalpel (see, for example, paragraph 0006 of Newman) and was cited for teaching on visual indication arrows. Newman, therefore, does not cure the deficiencies of Magney noted above.

For at least the foregoing reasons, Applicants respectfully submit that the cited combination of Magney and Newman does not make obvious the subject matter of dependent claim 10 and that claim 10 is, therefore, allowable.

The subject matter of claim 14 was rejected under 35 U.S.C. §103(a) as obvious over Magney in view of U.S. Patent Application Publication 2003/0036200 of Charlton (hereinafter "Charlton").

Charlton appears to describe a sensor pack with a cavity (element 106 of Charlton) that total encloses a test sensor (element 120 in Charlton). See, for example, paragraph 0024 and FIGs. 3 and 5 of Charlton. Charlton, therefore, does not cure all the deficiencies of Magney noted above.

For at least the foregoing reasons, Applicants respectfully submit that the cited combination of Magney and Charlton does not make obvious the subject matter of dependent claim 14 and that claim 14 is, therefore, allowable.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowed, he is urged to contact the undersigned Attorney via telephone at 408-956-4790 or facsimile number 408-956-4404.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any

Serial No. 10/666,154

overpayment to Deposit Account No. 10-0750 (Docket No. DDI5016USNP/MM) (Johnson & Johnson).

Respectfully submitted,

/Mayumi Maeda/

Dated: September 4, 2007

By: \_\_\_\_\_

Mayumi Maeda  
Reg. No. 40,075

Johnson & Johnson  
International Patent Law Division  
Attn: Philip Johnson  
P.O. Box 1222  
New Brunswick, NJ 08903  
(408) 956-4790